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Attorneys for Defendant Matthew G. Whitaker

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PAUL A. BALLESTRASSE,	)	CASE NO. 17-CV-01875 SK
	)	
Plaintiff,	)	
	)	<b>STIPULATION TO CONTINUE CASE</b>
v.	)	<b>SCHEDULE; ORDER APPROVING</b>
	)	
MATTHEW G. WHITAKER <sup>1</sup> , ACTING	)	
UNITED STATES ATTORNEY GENERAL	)	Honorable Sallie Kim
Defendant.	)	
	)	

The parties have been working diligently on this complex employment case. Fact discovery is closed, expert reports have been exchanged, and only two expert depositions remain. Given unexpected demands on counsels' time, the likelihood of a government shutdown (during which time defense counsel would be prohibited from working on this matter), and a seriously ill family member, counsel respectfully request that the Court continue the remaining deadlines in this case, including the trial date, by three months. The parties also request that time be allocated after summary judgment for a

<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Attorney General Matthew G. Whitaker is automatically substituted for his predecessor in office.

1 settlement conference with Judge Ryu prior to the deadline for submission of pre-trial papers.

2 Specifically, the parties are requesting the following schedule changes:

3 1. **Expert discovery cut-off** is currently January 4, 2019. The parties request that it be  
4 continued to **April 5, 2019**.

5 2. **Opening brief** for summary judgment is due January 18, 2019. The parties request that the  
6 due date for the opening brief be continued to **April 29, 2019**, three weeks after closure of expert  
7 discovery.

8 3. The **opposition and cross-motion** for summary judgment (if any) is currently due February  
9 1, 2019. The parties request that the due date be continued to **May 20, 2019**.

10 4. The **opposition to cross-motion and reply** to original motion is due February 15, 2019. The  
11 parties request that it be continued to **June 3, 2019**.

12 5. The **reply** in support of the cross-motion is due February 25, 2019. The parties request that  
13 the due date be continued to **June 10, 2019**.

14 6. The **hearing** on the cross motions for summary judgment is currently scheduled for March  
15 11, 2019. The parties request that the hearing be continued to **June 24, 2019**.

16 7. The parties request a deadline of **July 19, 2019** to complete a settlement conference with  
17 Judge Ryu.

18 8. The **pretrial conference** is currently scheduled for May 29, 2019. The parties request that  
19 the pretrial conference be continued to **August 23, 2019**.

20 9. **Trial** is currently scheduled to begin on June 18, 2019. The parties request that it be  
21 continued to **September 24, 2019**, or as soon thereafter as can be accommodated on the Court's  
22 schedule.

23 IT IS SO STIPULATED.

24 STEWART & MUSELL, LLP

25 DATED: December 20, 2018

/s/ Wendy E. Musell<sup>2</sup>  
WENDY E. MUSELL

27 <sup>2</sup> I, Alison E. Daw, hereby attest that I have been authorized to submit the electronic signature  
28 indicated by a "conformed" signature (/s/) within this e-filed document.

Attorneys for Plaintiff

ALEX G. TSE  
United States Attorney

DATED: December 20, 2018

/s/ Alison E. Daw

ALISON E. DAW  
JULIE BIBB DAVIS  
Assistant United States Attorneys  
Attorneys for Defendant

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefor, the Court hereby continues the case scheduling order as follows:

1. **Expert discovery cut-off** shall be **April 5, 2019**.
2. **Opening brief** for summary judgment is **April 29, 2019**.
3. The **opposition and cross-motion** for summary judgment (if any) is due **May 20, 2019**.
4. The **opposition to cross-motion and reply** to original motion is due **June 3, 2019**.
5. The **reply** in support of the cross-motion is due **June 10, 2019**.
6. The **hearing** on the cross motions for summary judgment shall take place on **June 24, 2019 at 9:30 a.m.**
7. The parties shall complete a settlement conference with Judge Ryu no later than **July 19, 2019**.
8. The **pretrial conference** is scheduled for **August 23, 2019 at 1:30 p.m.**
9. **Trial** will begin on **September 24, 2019**, at 9:30 a.m., or as soon thereafter as can be accommodated on the Court's schedule.

IT IS SO ORDERED.

DATED: December 21, 2018



SALLIE KIM  
United States Magistrate Judge